

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

1. Amendments and Support for Same

By the Response, claim 1 has been amended to more particularly point out and distinctly claim the subject matter of the invention by incorporating all of the features of original claim 11.

Claims 1-10 and 12-15 have been amended to replace “means” with non-means-plus-function language. However, as functionality may be essential in describing a certain features, Applicant respectfully reminds the Examiner that there is nothing intrinsically wrong in defining something by what it does rather than what it is. MPEP §2173.05(g) and *In re Hallman* (CCPA 1981) 655 F2d 212, 210 USPQ 609. Applicant further directs the Examiner’s attention to MPEP 2114, which states that features of an apparatus may be recited either structurally or functionally.

New independent claim 16 has been added, which includes all of the features of claims 1, 14, and 15.

Further, the limitation “steering wheel” has been further clarified simply as a “wheel” or a “wheel to be steered”. It is clearly described in the specification that steering input is received by a steering dial 42 (i.e., “steering operation device”), while wheel(s) 11 is to be steered/turned in response to the steering input to steering dial 42 and other connected elements.

Further, the steering angle has been further clarified in the pending claims as being the direction and steered angle (γ) of the wheel to be steered (11), which also known as the drive wheel, as shown in Figs. 4A-4C.

Accordingly, amended claims 1-10 and 12-16, which contains no new matter, are respectfully submitted for consideration. Approval and entry of the amendments are respectfully requested.

2. Claim rejections under 35 U.S.C. §112, 1st and 2nd paragraphs

With respect to the rejection of claims 5-15 under 35 U.S.C. §112, 1st and 2nd paragraphs, Applicant has amended all pending claims to replace functional language with structural descriptions and to delete all the “means” recitations. In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of the §112, 1st and 2nd paragraph, rejections of claims 5-15.

3. Rejection under 35 U.S.C. §102(b) or alternatively 35 U.S.C. §103(a)

With respect to the rejection of claims 1-15 under 35 U.S.C. §102(b) as being anticipated by Toyota (JP 2004-175230) or under 35 U.S.C. §103(a) as being obvious over Toyota, Applicant respectfully traverses the rejection at least for the reason that Toyota fails teach, disclose, or suggest each and every limitation recited in the rejected claims.

As amended, and as supported in, e.g., Fig. 13A of the specification, claim 1 further clarifies that the steering control controller is configured to actuate the steering actuator at a first actuation speed if the size of the steering angle, which is obtained on the basis of detection information from the steering angle detector, is a predefined reference amount or lower, and to actuate the steering actuator at a second actuation speed, which is lower than the first actuation speed, for the same operation command when the size of the steering angle exceeds the reference amount. Applicant respectfully asserts that Toyota fails to teach, disclose, or suggest at least the amended features.

With respect to claim 14, Applicant respectfully asserts that Toyota also fails to teach, disclose, or suggest all of the claimed features. In Toyota, the steering angle is detected by the steering angle sensor (50). However, the actual steered angle of the wheel (26) is not detected.

Further, with respect to claim 15 of the present invention, when steered, the steering angles of the right and left drive wheels (11a) are not equal with each other, such as shown in Figs. 18A-18C, 19, and 20A-20B. Hence, a characteristic feature of the present invention is that only one steering angle sensor is attached to either the right

wheel or the left wheel to the detect the angles of both left and right wheels. In contrast, Toyota fails to teach, disclose, or suggest the features of claim 15.

Applicant notes that new independent claim 16 includes all of the features of claims 1, 14, and 15.

Consequently, since each and every feature of the present claims is not taught (and is not inherent) in Toyota, as is required by MPEP Chapter 2131 in order to establish anticipation, the rejection of claim 1, as well as its dependent claims 2-10 and 12-15, under 35 U.S.C. §102(b), as anticipated by Toyota is improper.

Further, the requirements for establishing a *prima facie* case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

Further, according to MPEP §2141(I), Patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case. The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated:

Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.

Moreover, according to MPEP §2141(II), when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

(A) The claimed invention must be considered as a whole;

(B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

(C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

(D) Reasonable expectation of success is the standard with which obviousness is determined.

As Toyota fails to teach, disclose, or suggest all of Applicant's claimed features as recited in pending claims 1-10 and 12-16, the reliance of Toyota in the obviousness rejection of the claims is improper.

In view of the amendment and arguments set forth above, Applicant respectfully requests the Examiner to follow tenets A-D in relying on Toyota. Applicant further respectfully requests reconsideration and withdrawal of the §102(b) and 103(a) rejection of claims 1-10 and 11-16.

4. Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-10 and 11-16 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Further, while no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-4525.

Respectfully submitted,

/Donald R. Studebaker/
Donald R. Studebaker
Registration No. 32,815

Studebaker & Brackett PC
1890 Preston White Drive
Suite 105
Reston, Virginia 20191
(703) 390-9051
Fax: (703) 390-1277
don.studebaker@sbpatentlaw.com